

REGULAR

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SEPTEMBER 2010

3:30 P.M., Ohio County Community Center, Hartford, Ky

Meeting called to order by Judge Executive David Jones. Prayer by Magistrate Jason Bullock. Pledge to the American flag.

Those present were as follows:

David G. Jones	Judge Executive
Gregory B. Hill	County Attorney
Cheryl Morris	Fiscal Court Clerk
Hayward D. Minton	Absent
Jason Bullock	Magistrate District 2
Richard Robinson	Magistrate District 3
Larry Keown	Magistrate District 4
Bill Burden	Magistrate District 5

Motion made by Judge Jones that the Court approve the minutes of the regular meeting on September 7, 2010 as presented (on file in Fiscal Court Order Book, Clerk’s office):

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the bills, claims, payments and transfers as presented (copy on file, Clerk’s office).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the second reading and adoption of Ordinance No. 2011-3: AN ORDINANCE ADOPTING GENERAL AD VALOREM TAX RATES PER \$100 ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE JURISDICTION FOR OHIO COUNTY GENERAL FUND FOR CALENDAR YEAR 2010 (copy on file in Ordinance Book, Clerk’s office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

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Motion made by Judge Jones that the Court approve the Ad Valorem Tax rates per \$100 assessed valuation by special districts and other funds for FY 2010-2011 tax year, to be recorded in the Fiscal Court Order Book:

<u>Tax District</u>	<u>2010 Real Estate</u>	<u>2010 Tangible</u>
County:		
Extension Services	\$0.023	\$0.0234
General	\$0.066	\$0.066
Health	\$0.035	\$0.035
Library	\$0.069	\$0.0772
Soil Conservation	\$0.006	\$0.006
School:		
Ohio County: General	\$0.448	\$0.448
Special: Caney Creek Watershed	\$0.0627	\$0.0627
Fire Acres	\$2.00	

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes
And said motion was unanimously adopted, and it is so ordered.	

Motion made by Esq. Bullock that the Court approve the second reading and adoption of Ordinance No. 2011-4: AN ORDINANCE PROVIDING FOR THE COLLECTION AND DISPOSITION OF FEES BY AND PAYMENT OF COSTS OF THE OFFICES OF SHERIFF AND COUNTY CLERK WITHIN OHIO COUNTY, KENTUCKY.

Motion died for lack of second.

Motion made by Judge Jones that the Court approve the County Clerk’s Financial Status Report for the month of August 2010 as presented (copy on file, Clerk’s office).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes
And said motion was unanimously adopted, and it is so ordered.	

Motion made by Esq. Keown that the Court approve to award the bid for CR-1020 Underwood Road Work to the low bidder-Civil Worx in the amount of \$32,700.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

The motion by Esq. Keown and the second by Esq. Robinson were withdrawn.

Motion made by Esq. Keown that the Court approve to award the bid for the following county road projects to the low bidder-CIVILWORX, contingent upon CIVILWORX agreeing to delay invoicing the county and/or waiting for payment from the county, but in no event being paid until the County is reimbursed by FEMA (copies attached of all bids received).

<u>Road Name</u>	<u>Bidder</u>	<u>Bid Amount</u>	<u>Awarded To</u>
CR-1089-Round Hill Road	GR Equipment	\$49,559.30	CIVILWORX
	CIVILWORX	\$19,350	
CR-1020-Underwood Road	GR Equipment	\$75,867.20	CIVILWORX
	CIVILWORX	\$32,700	
CR-1011-Rough River Ln	GR Equipment	\$120,390	CIVILWORX
	CIVILWORX	\$32,720	
CR-1183-Highview Ln	GR Equipment	\$84,296	CIVILWORX
	CIVILWORX	\$32,515	

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The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to enter into an agreement with Glenn & Mary Higdon accepting the terms and conditions contained therein regarding CR-1416 Cotton Lane, subject to amending the completion date specified in Item No. 3 of said agreement (copy attached).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve the appointment of Pam Thompson as a member of the Rochester Ferry Board for a term to be recorded at a later date.

Roll call vote:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Recommendation by Judge Jones that the Court approve the appointment of 5th District Magistrate Bill Burden as a member of the Rochester Ferry Board for a term to expire January 2, 2011.

Roll call vote:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Recommendation by Judge Jones that the Court approve the appointment of Walt Beasley as a member of the Rochester Ferry Board for a term to be recorded at a later date.

Roll call vote:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Esq. Bullock that the Court approve to observe Halloween 2010 on Saturday, October 30th throughout the county.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

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Recommendation by Judge Jones that the Court approve Jailer Rip Wright’s hiring of Melissa Stewart as a part-time deputy jailer at a rate of \$9.00 per hour effective September 10, 2010.

Roll call vote:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Esq. Keown that the Court approve Jailer Rip Wright’s change in policy regarding the wages of the Jail Nurse, to now reflect \$20 per hour with a maximum of 25 hours per month, effective October 4, 2010.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve County Clerk Bess Ralph’s hiring of Joanne Rose as a full-time deputy clerk at a rate of \$10.75 per hour effective September 13, 2010 to replace Becky Pogue who transferred to the Road Department.

Roll call vote:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Esq. Robinson that the Court approve to amend the motion recorded on March 2, 2010, Page 128 of Fiscal Court Order Book 22, regarding the county continuing to pay the in-network deductible amount above \$500 for each county employee participating in the county health insurance plan while the current policy with Anthem Blue Cross Blue Shield is in effect; with the order now removing Anthem Blue Cross Blue Shield and to read with the current applicable healthcare provider.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve the hiring of Mary Ashford as a part-time meal driver at the Senior Center, pursuant to Executive Order No. 2011-09-02, at a rate of \$10 per hour effective September 21, 2010.

Roll call vote:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Judge Jones that the Court approve to re-advertise for bids on the old Ambulance Building due to the previously awarded bidder, Steve Geary, withdrawing his offer.

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The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to accept the bid for Item #7-Blacktop from the lone bidder Scotty’s Contracting for FY 2010-2011 (copy of bid attached).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Robinson that the Court approve to add 1,000 feet on Valley Lane to the waterline extension prioritization list for a 3 inch line at a cost of \$14,000.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve to add the 20 acres owned by the county in Rosine, formerly known as Everett Park, into the Ohio County Park System effective immediately.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	No
Burden	Yes
Jones	Yes

Said motion having carried four (4) to one (1) it is so ordered.

Motion made by Esq. Keown that the Court approve to adopt a Resolution regarding the refinancing of Industrial Building Revenue Bonds issued for the Ohio County Family Wellness Center (copy attached).

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to go into Closed Session for the discussion of pending litigation on behalf of the Fiscal Court. No other business will be discussed during the Closed Session and no official action shall be taken or consensus made by the Fiscal Court. The legal authority that allows us to go into closed session is KRS 61.810(1)(c) which authorizes the Fiscal Court to have discussions of proposed or pending litigation against or on behalf of the public agency. The legal reason we are going into closed session is for discussion of pending litigation.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve to go back into Open Session. No other business was discussed or action taken during Closed Session except what was stated by me before going into Closed Session regarding pending litigation.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to amend the Administrative Code Ordinance No. 2009-3, Section X.(N)(4) regarding part-time employee description to read as follows:

Part-time employee: Person who is not bonded and shall not exceed working 22 hours per week. Except for the following: Baliffs who provide court security during an extended trial or deputies who provide prisoner security for a person who has been arrested but not yet incarcerated. If this occurs it is understood that the hours must be adjusted so they will not average over the 100 hours per month.

Part-time employees are not eligible for benefits.

Definition: Kentucky Employees Retirement Systems (KERS), County Employees Retirement Systems (CERS), and State Police Retirement Systems (SPRS) will be referred to as **Retirement System**.

No person shall be eligible for part-time employment with Ohio County Fiscal Court (OCFC) if he/she is employed by another entity that contributes to the **Retirement System**. If employee is working part-time with the Ohio County Fiscal Court and secures employment with any other entity that contributes to the **Retirement System**, employee will become ineligible for part-time employment with OCFC and employment will be terminated.

Per **Retirement System** requirements, no part-time employee shall work in excess of 100 hours per month, to be reviewed on both a fiscal year and a calendar year, without retirement being paid on that employee. The State Retirement System requires that all hours worked in more than one position or entity within the same retirement system shall be **consolidated** to determine eligibility.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Bullock that the Court approve the second reading and adoption of Ordinance No. 2011-4: AN ORDINANCE PROVIDING FOR THE COLLECTION AND DISPOSITION OF FEES BY AND PAYMENT OF COSTS OF THE OFFICES OF SHERIFF AND COUNTY CLERK WITHIN OHIO COUNTY, KENTUCKY.

Motion died for lack of second.

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Motion made by Esq. Robinson that the meeting is adjourned.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Absent
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Meeting is adjourned.

David Jones, Judge Executive

Cheryl Morris, Fiscal Court Clerk